Remarks/Arguments

The Applicant thanks the Examiner for the telephonic Examiner interview of September 18, 2006, during which the Kelly patent (see below) was discussed against the context of the subject invention. This response is being submitted at the Examiner's recommendation, which recommendation was made by the Examiner during the interview. Applicant respectfully requests reconsideration of the following arguments in light of the interview.

Claims 1, 7, 16, 21, 23, 24 and 28 are the independent claims of the present application. The Examiner has rejected these claims as anticipated by U.S. Patent No. 6,804,199 to Kelly et al. (hereinafter "Kelly). The dependent claims are objected to as being dependent upon rejected base claims, but have been deemed allowable if rewritten in independent form.

As conveyed during the recent Examiner interview, the Applicant maintains its traversal of the Examiner' s rejection of above-identified independent claims for the reasons presented in the Applicant's previous response. These reasons are reiterated below, along with a clarification as requested by the Examiner.

Claim 1 as amended recites a method in which a spanning hierarchical protection tree is extended in a mesh network, as follows:

1. A method comprising:

extending a spanning hierarchical protection tree in a mesh network by:

at a current node, receiving an invitation to become a child of a first adjacent node;

if a minimum link bandwidth along a protection path from said current node to a root node of the spanning hierarchical protection tree which visits the first adjacent node is greater than a minimum link bandwidth of any existing protection path from said current node to said root node:

designating said first adjacent node as a primary parent of said current node in said tree; and

from said current node, sending an invitation to become a child of said current node in said tree to each adjacent node of said current node that is not said first adjacent node [emphasis added].

As discussed during the recent interview, the method of the instant claim extends a protection tree using a particular approach which involves the receiving of an invitation, the comparing of a minimum link bandwidth along a protection path visiting an adjacent node to an existing minimum link bandwidth protection path to the root node, the sending of further invitations to certain (but not all) adjacent nodes, and so forth. With respect, none of the aspects of claim 1 which define this approach, as emphasized above, are expressly or inherently described in Kelly. Even if the Kelly patent is understood to describe the creation of a tree in a network, it does not describe the extension of a spanning hierarchical protection tree using the above-described approach. There are likely numerous approaches for forming a tree in a network of which a person skilled in the art would be aware. It would be improper to assume that the claimed approach is the one that is used unless that fact is clearly indicated by the reference.

Regarding the "protection path" and "protection tree" limitations of claim 1 in respect of which the Examiner has requested clarification, the Examiner's attention is drawn to paragraph [0035] of the detailed description, in which protection capacity is defined, and to paragraphs [0042] and [0045]-[0049], which use the terms protection path and protection tree in describing the Applicant's approach for extending a protection tree in a mesh network. The meaning of these terms is believed to be clear from that context.

If Kelly is believed to disclose the above-emphazied features of claim 1, the Examiner is asked to indicate, with greater specificity, the portions of Kelly showing

these features. Otherwise, withdrawal of the rejection of this claim under 35 USC 102 is requested.

Independent claims 7 and 16 are claims to a computing device and computer-readable medium, respectively, which incorporate similar claim limitations to those emphasized above. The Applicant's argument as to the allowability of claim 1 is equally applicable to these claims. Accordingly, withdrawal of the rejection of claims 7 and 16 under 35 USC 102 is also requested.

Claim 21 pertains to a computer readable medium storing software for reconnecting a node to the spanning hierarchical protection tree. A particular approach for reconnecting the node is used in which a backup parent is designated to be a primary parent and an invitation is sent to each node that is not the new primary parent. The invitation contains an indication of minimum link bandwidth of a protection path to a root node of the tree which visits the disconnected node. The Applicant cannot find any express or inherent description of any of these aspects of the claim in the referenced portion of Kelly. If Kelly is believed to describe the above-referenced features of claim 21, the Examiner is asked to indicate, with greater specificity, the portions of Kelly showing these features. Otherwise, withdrawal of the rejection of this claim under 35 USC 102 is requested.

Claim 23 pertains to a computer readable medium storing software for connecting an auxiliary node to the spanning hierarchical protection tree. A particular approach for connecting the auxiliary node is used in which an invitation is received from each adjacent node of the auxiliary node for the auxiliary node to become a child of the adjacent node. The adjacent node that is visited by a protection path from the auxiliary node to the root node of the tree whose minimum link bandwidth is at least as large as the largest minimum link bandwidth of all existing protection paths from the auxiliary node to the root node is designated as the primary parent of the auxiliary node. The Applicant cannot find any express or inherent description of these aspects of the claim in the referenced portion of Kelly. If Kelly is believed to describe these aspects, the Examiner is asked to indicate, with greater specificity, the portion(s) of

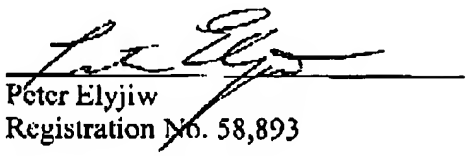
Kelly containing such description. Otherwise, withdrawal of the rejection of this claim under 35 USC 102 is requested.

Claim 24 also pertains to a computer readable medium storing software for connecting an auxiliary node to the spanning hierarchical protection tree. In the claimed approach, an invitation is requested, and received, from each adjacent node of the auxiliary node for the auxiliary node to become a child of the adjacent node. If a minimum link bandwidth along a protection path from the auxiliary node to the root node of the tree which visits the adjacent node is greater than a minimum link bandwidth of any existing protection path from the auxiliary node to the root node, the adjacent node is designated as a primary parent of the auxiliary node in the tree, and an invitation to become a child of the auxiliary node is sent to each further adjacent node of the auxiliary node that is not the primary parent adjacent node. The Applicant cannot find any express or inherent description of these aspects of the claim in the referenced portion of Kelly. If Kelly is believed to describe these aspects, the Examiner is asked to indicate, with greater specificity, the portion(s) of Kelly containing such description. Otherwise, withdrawal of the rejection of this claim under 35 USC 102 is requested.

Regarding claim 28, the Examiner has provided no reasons to support his rejection of the claim. The Applicant does not believe that the features of claim 28 are expressly or inherently described in the cited portions of Kelly, for similar reasons as set forth above in respect of claim 1. Accordingly, withdrawal of the rejection of this claim under 35 USC 102 is requested.

In view of the Examiner's statement that the rejected claims would be reconsidered in light of the Examiner interview, favourable reconsideration and allowance of the application are earnestly solicited.

Respectfully submitted,



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